

1 Martin W. Jaszczuk (*pro hac vice*)
 Daniel I. Schlessinger (*pro hac vice*)
 2 Margaret M. Schuchardt (*pro hac vice*)
 Keith L. Gibson (*pro hac vice*)
 3 JASZCZUK P.C.
 311 South Wacker Drive, Suite 3200
 4 Chicago, IL 60606
 Telephone: (312) 442-0509
 5 Facsimile: (312) 442-0519
 mjaszczuk@jaszczuk.com
 6 dschlessinger@jaszczuk.com
 mschuchardt@jaszczuk.com
 7 kgibson@jaszczuk.com

8 Craig S. Primis, P.C. (*pro hac vice* pending)
 KIRKLAND & ELLIS LLP
 9 655 Fifteenth Street, N.W.
 Washington, DC 20005
 10 Telephone: (202) 879-5921
 cprimis@kirkland.com

11 Kasey C. Townsend (SBN 152992)
 12 Susan J. Welde (SBN 205401)
 MURCHISON & CUMMING, LLP
 13 275 Battery Street, Suite 850
 San Francisco, CA 94111
 14 Telephone: (415) 524-4300
 ktownsend@murchisonlaw.com
 15 swelde@murchisonlaw.com

16 Attorneys for Defendants ALARM.COM
 INCORPORATED and ALARM.COM
 17 HOLDINGS, INC.

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
OAKLAND DIVISION

20 ABANTE ROOTER AND PLUMBING,
 INC., GEORGE ROSS MANESIOTIS,
 21 MARK HANKINS, and PHILIP J.
 CHARVAT, individually and on behalf of all
 22 others similarly situated,

23 Plaintiffs,

24 v.

25 ALARM.COM INCORPORATED, and
 26 ALARM.COM HOLDINGS, INC.,

27 Defendants.

Case No.: 4:15-CV-06314-YGR

DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL

Judge: Hon. Yvonne Gonzalez Rogers
 Hearing Date: July 24, 2018
 Time: 2:00 pm
 Courtroom: Courtroom 1, 4th Floor

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28 **DEFENDANTS' ADMINISTRATIVE**
MOTION TO FILE UNDER SEAL

To the Clerk of the Northern District of California and all parties and their attorneys of record:

PLEASE TAKE NOTICE that, pursuant to Local Rules 79-5 and 7-11, Defendants Alarm.com Incorporated and Alarm.com Holdings, Inc. (together, "Alarm.com") seek leave to file under seal the documents described herein. This Administrative Motion is supported by the Declaration of Margaret Schuchardt.

ADMINISTRATIVE MOTION TO FILE UNDER SEAL

Defendants seek to maintain as confidential and file under seal Exhibits 1, 9 and 13 to the Declaration of Martin Jaszczuk in Support of Defendants' Motion for Summary Judgment, and also seek to redact portions of Defendants' Memorandum of Points and Authorities in Support of Motion for Summary Judgment and Separate Statement of Undisputed Facts in Support of Motion for Summary Judgment that reference these confidential Exhibits. In compliance with Civil Local Rule 79-5(b), which requires requests to seal to "be narrowly tailored to seek sealing only of sealable material," Defendants only seek to seal limited information as follows:

- a. Exhibit 1 contains the Dealer Agreement between Alarm.com and Alliance Security, Inc. ("Alliance"). The Dealer Agreement contains non-public pricing and other confidential contractual information.
- b. Exhibit 9 contains excerpts of the transcript of the deposition of Steve Trundle, the Chief Executive Officer of Alarm.com. Mr. Trundle's testimony contains information concerning confidential internal strategy, operations, and business decisions; confidential communications; and other non-public information regarding Alarm.com's contractual relationships with entities who are not parties to this lawsuit.
- c. Exhibit 13 contains a communication between nonparty Alliance (formerly Versatile Marketing Solutions, Inc.) and the Federal Trade Commission, which has been designated confidential by Alliance.

Rule 26(c) of the Federal Rules of Civil Procedure provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of "a trade secret or other confidential research, development, or commercial information." Fed. R. Civ. P. 26(c)(1)(G). Courts allow material

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to be sealed in cases where, as here, parties' confidential information would otherwise be made public and available to competitors. *See, e.g., GPNE Corp. v. Apple Inc.*, No. 12-CV-02885-LHK, 2015 U.S. Dist. LEXIS 92773, at *6-7 (N.D. Cal. July 16, 2015). Defendants submit that Exhibits 1, 9 and 13 are appropriately considered confidential and respectfully request that the Court grant this administrative motion to seal.

Dated: May 1, 2018

Respectfully submitted,

By: /s/ Martin W. Jaszczuk
 Martin W. Jaszczuk (*pro hac vice*)
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 Margaret M. Schuchardt (*pro hac vice*)
 Keith L. Gibson (*pro hac vice*)
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 Telephone: (202) 879-5921
 Facsimile: (202) 879-5200
 craig.primis@kirkland.com

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 Susan J. Welde (SBN 205401)
 MURCHISON & CUMMING, LLP
 275 Battery Street, Suite 850
 San Francisco, CA 94111
 Telephone: (415) 524-4300
 Facsimile: (415) 391-2058
 ktownsend@murchisonlaw.com
 swelde@murchisonlaw.com

*Attorneys for Defendants Alarm.com
 Incorporated and Alarm.com Holdings, Inc.*

CERTIFICATE OF SERVICE

I, Martin W. Jaszczuk, hereby certify that on May 1, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties registered to receive electronic service in the above-captioned matter.

Dated: May 1, 2018

Respectfully submitted,

By: /s/ Martin W. Jaszczuk
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*Attorneys for Defendants Alarm.com
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